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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,896	10/05/2000	Soon Sun Shim	1293.114RE	7637

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EXAMINER	
TOPGYAL, GELEK W	
ART UNIT	**PAPER NUMBER**
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/679,896	SHIM, SOON SUN	
	Examiner	Art Unit	
	Gelek Topgyal	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 October 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-86* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-7,11-14 and 63-66* is/are allowed.

6)☒ Claim(s) *8,9,15,20-22,27-33,38-40,43,44,48-51,54-60,67,71-74 and 79-81* is/are rejected.

7)☒ Claim(s) *10,16-19,23-26,34-37,41,42,45-47,52,53,61,62,68-70,75-78 and 82-86* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 07/953,915.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

Response to Arguments

2. Applicant's arguments filed 10/14/2003 have been fully considered but they are not persuasive.

3. In re page 13, the applicants present the argument with reference to independent claims 15, 22, 33 and 44, that there is no suggestion that the G-code mode of Yuen et al. is again set to the G-code mode when the next reservation is to be made, and further argue that allowing the G-code switch 22 to remain in the "on" position cannot be construed as automatically setting the G-code switch.

4. In response, the examiner respectfully disagrees. The system of Yuen et al. allows a user to set a reservation using the G-code switch. The claimed limitation only requires for "automatically setting" a current mode. In the system of Yuen et al., the user does not have to manipulate the G-code switch for the system to remain in G-code mode, therefore, the system automatically allows the G-code switch, which acts as a memory (refer to Board Decision dated April 8, 1997 for original application 07/953,915), to set the current reservation to that of the G-code switch. Therefore, the broadly claimed limitation is clearly taught by Yuen et al.

5. In re page13-14, the applicants argue with respect to independent claims 29, 31, 55 and 57, that Beyer, Jr. does not suggest that a user is able to schedule the program prior to setting the clock, that the recording mode is selected.

6. In response, the examiner respectfully disagrees. The system of Beyer, Jr. clearly teaches in col. 9, lines 50-59 and col. 11, lines 9-50, that the system can store numerous scheduled recordings of programs in its RAM 207. Furthermore, as discussed in the previous Office Action and further in detail in col. 8, lines 23-57, the system allows a user (via user initiation or automatic) to set the current time. Therefore, it is clear that a user in fact can schedule a program to be recorded even when the system's clock is not set as in the situation of a loss of power to the system.

7. In re page 14-15, the applicants argue that since limitation in independent claims 33 and 44 have not been met, the application of the Official Notice by the examiner is not valid.

8. In response, the examiner respectfully disagrees. Independent claims 33 and 44 remain rejected with the reasons as discussed in paragraph 4 above, therefore, the Official Notice relied on by the examiner is valid. Furthermore, the ability for a system to store information from a switch into non-volatile or volatile memory is obvious to one of ordinary skill in the art at the time of invention. Bean et al. (US 4,104,617) teaches in the summary of the ability to store information from a switch into non-volatile or volatile memory.

9. In re pages 15-16, the applicants argue that since the claims 15, 22, 33 and 44 is not met by Yuen et al. as discussed in paragraph 3 above, the proposed combination of

Yuen et al and Beyers, Jr. does not meet the limitations of claims 8, 9, 20, 27, 38 and 49.

10. In response, as discussed in paragraphs 4 above, the system of Yuen et al. does in fact meet the limitations in claims 15, 22, 33 and 44, and therefore the proposed combination of Yuen et al. and Beyers, Jr. does in fact meet the limitations of claims 8, 9, 20, 27, 38 and 49.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. **Claim 71** recites the limitation "the user selected reservation mode" in page 7 of the amendment dated 10/14/2003. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. **Claims 15, 21-22, 28 33, 43-44, 54, 67, 71, 73, 74 and 80** are rejected under 35 U.S.C. 102(b) as being anticipated by Yuen et al. (Canadian Patent No. 2005070).

Regarding claim 15, Yuen et al discloses a method of setting a timer reservation in a device having a plurality of reservation modes (Fig. 1), the method comprising:

selecting one of the reservation modes from the plurality of reservation modes and performing the timer reservation in the one reservation mode (turning the G-code switch 22 on, page 5, line 25 to page 6, line 9); and

automatically setting a current reservation mode to the one reservation mode in response to a request for a next timer reservation (turning the G-code switch 22 on, page 5, line 25 to page 6, line 9).

Regarding claim 21, Yuen et al also discloses the claimed wherein the timer reservation is to set a programmable recording operation (page 5, line 25 to page 6, line 9).

Regarding claim 22, Yuen et al discloses a method of setting a timer reservation in a device having a plurality of reservation modes (Fig. 1), wherein a last one of the reservation modes in which a last timer reservation was performed has been stored (turning the G-code switch 22 on, page 5, line 25 to page 6, line 9), the method comprising:

receiving a request for a next timer reservation (page 5, line 25 to page 6, line 9); and

automatically setting a next reservation mode to the last reservation mode in response to the request for a next timer reservation (line 25 to page 6, line 9).

Claim 28 is rejected for the same reasons as discussed in claim 21 above.

Regarding clam 33, Yuen et al discloses a device (Fig. 1) for making a timer reservation and which has a plurality of reservation modes, comprising:

an input device (turning the G-code switch 22 on, page 5, line 25 to page 6, line 9) selecting one of the reservation modes from the plurality of reservation modes and performing the timer reservation in the one reservation mode; and

a processor automatically setting a current reservation mode to the one reservation mode in response to a request for a next tier reservation form the input device (page 5, line 25 to page 6, line 9).

Claim 43 is rejected for the same reasons as discussed in claim 21 above.

Regarding claim 44, Yuen et al discloses a device (Fig. 1) having a plurality of reservation modes wherein a last one of the reservation modes in which a last timer reservation was performed has been stored (turning the G-code switch 22 on, page 5, line 25 to page 6, line 9), the device comprising: an input device receiving a request for a next timer reservation (page 5, line 25 to page 6, line 9); and a processor automatically setting a next reservation mode to the last reservation mode in response to the request for a next timer reservation (page 5, line 25 to page 6, line 9).

Claim 54 is rejected for the same reasons as discussed in claim 21 above.

CRM claims 67, 73, 74 and 80 are rejected for the same reason as discussed above in claims 15, 21, 22 and 28, respectively.

CRM claim 71 is rejected for the same reasons as discussed in claim 15 above as the last reservation mode is used for the next reservation mode.

CRM claims 74 and 80 are rejected for the same reasons as discussed above in claims 22 and 28, respectively.

15. **Claims 29-32, 55-58 and 81** are rejected under 35 U.S.C. 102(b) as being anticipated by Beyers, Jr. ('305).

Regarding claim 29, Beyers, Jr. discloses a method of setting a timer reservation in a device (Fig. 1 a), the method comprising:

receiving a request for the timer reservation (col. 7, lines 39-42);

checking whether a current time has been set before performing the timer reservation (col. 7, lines 42-53);

automatically shifting to a time adjusting mode for enabling a user to enter the current time if the current time has not been set (col. 7, line 54 to col. 8, line 45); and

performing the timer reservation subsequent to the current time having been set or entered by the user according to a stored reservation mode selected and stored before the current time was set (col. 9, lines 39-58).

Regarding claim 30, Beyers, Jr. also discloses the claimed wherein the timer reservation is to set a programmable recording operation (col. 7, lines 39-42).

Claim 31 is rejected for the same reasons as discussed in claim 29 above.

Claim 32 is rejected for the same reasons as discussed in claim 30 above.

Device claims 55-58 are rejected for the same reasons as discussed in method claims 29- 32 above, and furthermore Beyers teaches in Fig. 2, Memory 207 and 205 that stores a reservation mode.

CRM claim 81 is rejected for the same reasons as discussed in claim 29 above.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17. **Claims 39-40, 48, and 50-51** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al (Canadian Patent No. 2005070).

Regarding claim 39, Yuen et al discloses all the features of the instant invention as discussed in claim 44 above except for providing wherein the processor comprises a volatile memory which temporarily stores the one reservation mode. The capability of using volatile memory for storing the reservation mode is old and well known in the art and therefore Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known volatile memory into Yuen et al's system in order to accurately perform the unattended record operation.

Regarding claim 40, Yuen et al discloses all the features to the instant invention as discussed in claim 39 above except for providing a non-volatile memory which stores the one reservation mode. It is noted that the capability of using non-volatile memory for storing data is also old and well known in the art and Official Notice is again taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known non-volatile memory into Yuen et al's system in order to retain the stored contents even through power failures.

Claim 48 is rejected for the same reasons as discussed in claim 39 above.

Claim 50 is rejected for the same reasons as discussed in claim 39 above.

Claim 51 is rejected for the same reasons as discussed in claim 40 above.

18. **Claims 8-9, 20, 27, 38, 49, 59, 60, 72 and 79** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al (Canadian Patent No.2005070) in view of Beyers, Jr. ('205).

Regarding claim 8, Yuen et al discloses a method of setting a timer reservation in a device having a plurality of reservation modes (Fig. 1), the method comprising:

an automatic reservation mode setting operation in a reservation mode which memorizes the last reserved reservation mode, and automatically sets the memorized reservation mode at the next reservation (turning the G-code switch 22 on, page 5, line 25 to page 6, line 9). However, Yuen et al does not specifically discloses an automatic time adjustment implementing operation which shifts to a time adjusting mode where the current time may be set by a user upon inputting a reservation key and upon selecting a reservation mode, when the current time has not been set.

Beyers, Jr. teaches a television system scheduler having the capability of automatic time adjustment implementing operation which shifts to a time adjusting mode where the current time may be set by a user upon inputting a reservation key and upon

selecting a reservation mode, when the current time has not been set (col. 7, line 54 to col. 8, line 33) to ensure that the present time is correctly set before any program are scheduled.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the automatic time setting as taught by Beyers, Jr. into Yuen et al's system in order to ensure that the present time is correctly set before any programs are scheduled so that the selected program scheduled in unattended recording mode is correctly recorded.

Regarding claim 9, Yuen et al discloses the claimed wherein said automatic reservation mode setting operation comprises: a reservation mode fetching operation sub-operation which fetches the memorized reservation mode (turning the G-code switch 22 on, page 5, line 25 to page 6, line 9); and reservation mode implementing sub-operation which automatically reserves the fetched last reservation mode and stored the reserved reservation mode as the last reservation mode after the completion of the reservation (turning the G-code switch 22 on, page 5, line 25 to page 6, line 9).

Regarding claim 20, Yuen et al discloses all the claimed features as discussed in claim 15 above except for providing the steps of:

checking whether a current time has been set before performing the next timer reservation;

automatically shifting to a time adjusting mode for enabling a user to enter the current time if the current time has not been set; and

performing the next timer reservation subsequent to the current time having been set or entered by the user.

Beyers, Jr. teaches a television system scheduler having the capability of automatic time adjustment implementing operation which shifts to a time adjusting mode where the current time may be set by a user upon inputting a reservation key and upon selecting a reservation mode, when the current time has not been set (col. 7, line 54 to col. 8, line 33) to ensure that the present time is correctly set before any program are scheduled.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the automatic time setting as taught by Beyers, Jr. into Yuen et al's system in order to ensure that the present time is correctly set before any programs are scheduled so that the selected program scheduled in unattended recording mode is correctly recorded.

Claim 27 is rejected for the same reasons as discussed in claim 20 above.

Claim 38 is rejected for the same reasons as discussed in claim 20 above.

Claim 49 is rejected for the same reasons as discussed in claim 20 above.

CRM claims 59 and 60 are rejected for the same reasons as discussed above in claims 8-9, respectively.

CRM claim 72 is rejected for the same reasons as discussed in claim 20 above.

CRM claim 79 is rejected for the same reasons as discussed in claim 20 above.

Allowable Subject Matter

19. **Claims 10, 16-19, 23-26, 34-37, 41-42, 45-47, 52-53, 61-62, 68-70, 75-78 and 82-86** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20. **Claims 1-7, 11-14 and 63-66** are allowed.

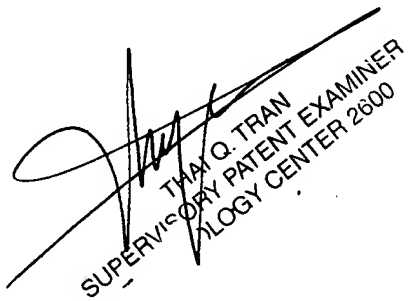
Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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